

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**IN RE JOHNSON & JOHNSON**

**TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

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)  
) MDL NO. 16-2738 (FLW)(LHG)  
)  
) **SUPPLEMENT TO**  
) **FEBRUARY 21, 2018**  
) **AGREED ORDER AND**  
) **STIPULATION REGARDING**  
) **PRODUCTION OF TALC**  
) **SAMPLES FROM IMERY'S**  
) **TALC AMERICA INC.**  
)  
)

WHEREAS, on February 21, 2018 this Court entered the Agreed Order and Stipulation Regarding Production of Talc Samples From Imerys Talc America, Inc. (Doc. 4757) (“the February 21, 2018 Order”); and

WHEREAS, since the entry of that Order, Imerys Talc America, Inc. (“Imerys”) has made a supplemental disclosure of additional historical<sup>1</sup> samples of talc provided to Johnson & Johnson for Johnson’s® Baby Powder or Shower to Shower® in its possession; and

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<sup>1</sup> As used in the February 21, 2018 Order, “historical” refers to samples taken prior to 2014.

WHEREAS, pursuant to the terms of the February 21, 2018 Order, the parties wish to supplement the February 21, 2018 Order to include the samples identified in Exhibit 1 attached hereto;

IT IS THEREFORE AGREED AND ORDERED THAT the samples identified in Exhibit 1 attached hereto are hereby incorporated into the February 21, 2018 Order;

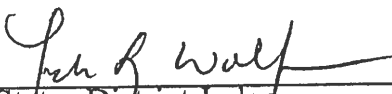
IT IS FURTHER AGREED AND ORDERED THAT, for the purposes of the samples identified in Exhibit 1 attached hereto, within thirty (30) business days of the entry of this Agreed Order, plaintiffs will select and identify to defendants in writing a reasonable number of talc samples from the inventories attached to Exhibit 1. Imerys reserves the right to challenge the number of talc samples selected by plaintiffs as excessive or otherwise unreasonable, but must do so in writing within seven (7) days after plaintiffs provide their written selections to Imerys. To the extent that Imerys objects to the number of talc samples, the parties shall meet and confer within fifteen (15) days of the objection in an effort to resolve the parties' dispute. If the dispute cannot be resolved by agreement, plaintiffs' counsel shall present the dispute to Judge Pisano initially by letter, consistent with Local Civil Rule 37.1(a)(1), before filing a formal motion for an order.

IT IS FURTHER AGREED AND ORDERED THAT, for the purposes of the samples identified in Exhibit 1 attached hereto, within fifteen (15) days of the entry

of this Order, Imerys shall deliver, or cause to be delivered, all talc samples to Alliance Technologies LLC in Monmouth Junction, New Jersey, an independent testing laboratory that is DEA licensed, FDA registered, and which employs good laboratory practices ("the Laboratory"). Following agreement by the parties on the talc samples to be divided (or, to the extent there is a dispute, an order of either Judge Pisano or the Court), the parties, in coordination with the Laboratory, shall agree on a date for the division of the Selected Samples pursuant to the terms of this Order.

IT IS FURTHER AGREED AND ORDERED THAT unless otherwise specifically stated herein, all other portions of the February 21, 2018 Order, remain in effect and apply to all samples identified in both the February 21, 2018 Order and the samples identified in Exhibit 1 attached hereto.

**SO ORDERED**, this 2nd day of July, 2018.

  
\_\_\_\_\_  
United States District Judge

**STIPULATED AND AGREED:**

s/ Mark K. Silver

Mark K. Silver  
COUGHLIN DUFFY LLP  
350 Mount Kemble Avenue  
PO Box 1917  
Morristown, NJ 07962  
Telephone: (973) 267-0058  
Facsimile: (973) 267-6442  
Email: msilver@coughlinduffy.com

s/ Nancy M. Erfle

Nancy M. Erfle  
GORDON & REES LLP  
121 SW Morrison Street  
Suite 1575  
Portland, Oregon 97204  
Telephone: (503) 382-3852  
Facsimile: (503) 616-3600  
Email: nerfle@grsm.com

s/Michelle A. Parfitt

Michelle A. Parfitt  
ASHCRAFT & GEREL, LLP  
4900 Seminary Road, Suite 650  
Alexandria, VA 22311  
Telephone: 703-931-5500  
Email: mparfitt@ashcraftlaw.com

s/P. Leigh O'Dell

P. Leigh O'Dell  
BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.  
218 Commerce Street  
Montgomery, Alabama 36104  
Telephone: 334-269-2343  
Email: leigh.odell@beasleyallen.com

s/Christopher M. Placitella  
Christopher M. Placitella  
COHEN PLACITELLA ROTH, PC  
127 Maple Avenue  
Red Bank, NJ 07701  
Telephone: 888-219-3599  
Facsimile: 215-567-6019  
Email: cplacitella@cpirlaw.com

# **EXHIBIT 1**

## INVENTORY OF BAGS OF TALC IN THE "LANZO" BOX

#	Date	Written on Talc Box
1.	2/20/85	Grade 96 Lroug Lee Pulp, Level 2 $\frac{3}{4}$ , Regent 15 cc, 30 cc, 1/3
2.	1967	66 Grade Annual Comp.
3.	1968	66 Grade Annual Comp.
4.	1969	66 Grade Annual Comp.
5.	1970	66 Grade Annual Comp.
6.	1971	66 Grade Annual Comp.
7.	1972	66 Grade Annual Comp.
8.	1973	66 Grade Annual Comp.
9.	1974	66 Grade Annual Comp.
10.	1975	66 Grade Annual Comp.
11.	1976	66 Grade Annual Comp.
12.	1977	66 Grade Annual Comp.
13.	1978	66 Grade Annual Comp.
14.	1979	66 Grade Annual Comp.
15.	1980	66 Grade Annual Comp.
16.	1981	66 Grade Annual Comp.
17.	1982	66 Grade Annual Comp.
18.	1983	66 Grade Annual Comp.
19.	1984	66 Grade Weekly Comp.
20.	1987	66 Grade Annual Comp.

[illegible]





SKP Box Number 322689809

Box Description Monthly Float Feed Composite Samples

FF Jan 1998

FF Feb 1998

FF March 1998

FF Monthly Comp April 1998

FF Monthly Comp May 1998

FF Monthly Comp June 1998 Blended Ore

WW FF July 1998

FF Aug 1998

FF Sept 1998

Oct 1998

FF Nov 1998 Monthly Comp

FF Monthly Dec 1998

507 Box Number 337243014  
 Box Description Gr 66 Retains  
 66 Daily 9/24/1988 Silo 5  
 66 Daily 11/21/1988 Silo 9  
 66 Daily 11/29/1988 Silo 3  
 66 Daily 11/29/1988 Silo 8  
 66 Daily 10/20/1988 Silo 10  
 66 Daily 11/22/1988 Silo 9  
 66 Daily 11/23/1988 Silo 9  
 66 Daily 9/16/1988 Silo 6



Box First Open



Bag Condition



Empty

Project number	Sample number	Project Description	Sample description
A12123	3	TEM analysis of April 2012 Houston Composites	APR 2012 Houston composite- Grade 25 USP
A12151	3	TEM analysis of Houston Composites, May 2012	May 2012 Houston composite - Grade 25 USP
A12355	3	TEM analysis of Chinese #2, M.V. Jin Run	RM Chinese #2- Olympic H
A13004	1	Houston Monthley Fiber Management Samples (December)	Grade 25 USP
A13054	4	Characterization of Chinese #1 & 2 ore from MV Jin Shun	Pre-Grind CH 2 ore composite sample
A13062	1	Characterization of Houston Composites, Jan 2013	Jan 2013 Houston Composite- Grade 25 USP
A13106	5	TEM analysis of Houston Composites, February 2013	FEB 2013 Houston Composites- Grade 25
A13149	2	Characterization and TEM of Guangxi #2 from M.V. Ning Bo Dolphin	RM Chinese #2
A14072	2	Characterization Analysis of Guangxi #2 ore, M.V. "Cymbeline"	RM Pre - Grind
A14093	5	January and February Houston Fiber Management Samples	CH#2 Grade 25 USP Feb 14
A14126	3	TEM analysis of Houston Composites, March 2014	Grade 25 CH#2 March 2014
A14189	2	TEM analysis of Houston Composites, April 2014	Apr 2014 Houston Composites- Grade 25 USP
A14192	1	Characterization of Guangxi #2 from "MV Popi S"	Cimpact 710
A14233	4	Houston May Fiber Management Samples	Grade 25 USP
A14282	4	Houston June Fiber Management	Grade 25 USP
A14324	4	Houston M4 July Samples	Grade 25 USP
A14369	4	Houston August M4 Samples	Grade 25 USP
A14411	4	TEM analysis of Houston Composites, September 2014	Sept '14 Grade 25 Ch#2
A14466	1	Houston Fibers Mgt M4 Project	Oct '14 Grade 25 Ch #2
A14496	3	November '14 Fiber Management - Houston	Nov. '14 Grade 25 USP Chinese #1

## OLD GUANGXI CHINESE TALC SAMPLES

PHOTO ID#	Date	Project Number	Description	Sample Number	Sample Description	Information on Samples	Additional Package or Comments
SJ060718 - 007	01/00/2003		Guangxi 2			RM MV Tian Song Feng	
SJ060718 - 046	09/00/2004		Guangxi 2			RM MV Danae	
SJ060718 - 054	1/18/2005		Guangxi 2			RM MV Tai Chang	
SJ060718 - 061	09/00/2005		Guangxi 2			RM MV Pacific Acadian	
SJ060718 - 066	09/00/2005		Guangxi 2A			RM MV Pacific Acadian	
SJ060718 - 068	3/6/2006		Guangxi 2A			RM Pos Eternity	
SJ060718 - 073	6/8/2006		Guangxi 2			RM Hebei Arrow	
SJ060718 - 075	6/8/2006		Guangxi 2A			RM Hebei Arrow	
SJ060718 - 085	10/12/2007		Guangxi 2			RM MV Wing	
SJ060718 - 089	11/23/2007		Guangxi 2			RM MV Helenic Sea	
SJ060718 - 092	11/23/2007		Guangxi 2			RM MV Helenic Sea	
SJ060718 - 098	1/9/2009		Guangxi 2			RM MV Anna Smile	
SJ060718 - 101	9/20/2010		Guangxi 2			RM MV Sonja C	